

to the rule of this court. The accounts are to be taken to that period ; and the equivalent to her, must be measured by the value of her husband's interest in the real estate of the partnership at that time, after the claims of the creditors are satisfied.

But, the complainants insist, that not only has the Auditor erred, in fixing on the 17th of September, 1845, as the period for determining the money equivalent to be paid the widow, in lieu of her dower ; but that he has also erred in not making her an allowance for arrears of dower from her husband's death to the day of sale, with interest on the yearly arrears as they accrued.

That she was entitled to a money allowance in commutation of dower, has been settled by the Court of Appeals. Is she also entitled to arrears of dower, and interest on those arrears ? The complainants say that she is, and that the annual allowance ought to be computed on one-third of the interest on \$13,855 29, the estimated proportion of the product of the real estate belonging to the heirs of her husband.

I do not find it anywhere decided, that a widow can recover interest on arrears of dower ; and in *Park on Dower*, 332, Lord Loughborough, is said to have stated, that there were no cases warranting such a proposition. But without deciding, or intending to express any opinion on the right to recover interest on the arrears of dower, when the title of the widow to recover the arrears themselves is clear, the question here is, whether under the peculiar circumstances of this case, and upon this bill, such title can be maintained.

The bill does not claim arrears of dower. The prayer is, that, "the complainant," (the widow,) "may have a reasonable and just allowance made for her dower in her said husband's interest in said lands and premises."

There was no demand upon the defendants, to account for the rents and profits of the lands, the claim and the account of profits, having reference exclusively to profits made by the surviving partners, from the employment of the partnership property, and the proportion thereof, to which the complainant, as administratrix of her husband, was entitled. And it would